



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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August 29, 2002

IN REPLY PLEASE
REFER TO FILE: PD-4

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**BALDWIN PARK DRAIN COUNTY-CITY COOPERATIVE AGREEMENT
AMENDMENT NO. 1 TO AGREEMENT NO. 73406
SUPERVISORIAL DISTRICT 1
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and instruct the Chairman to sign Amendment No. 1 to Agreement No. 73406 between the City of Baldwin Park and the County, which provides for an increase to the County's share of the costs of the construction contract and contract administration of the Baldwin Park Drain project from \$1,750,000 to a not to exceed amount of \$2,300,000.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On June 12, 2001, Synopsis 41, your Board approved an Agreement with the City of Baldwin Park, which establishes the City's responsibility to design and construct the Baldwin Park Drain project with the County providing \$1,750,000 to finance the costs of the construction contract and contract administration. The estimate included \$1,500,000 for construction and \$250,000 for City Support. City Support includes costs for advertisement and award of the construction contract, construction contract administration, construction inspection, and construction survey for the project. The lowest construction bid received by the City was \$1,864,962. Therefore, the amount now sought for the County's contribution is \$2,300,000, comprised of \$1,864,962 for construction, \$250,000 for City Support, and \$185,038 for unforeseeable changes in work that can be authorized as an expense of the County only by the prior written approval of the Director of Public Works. Your Board's approval of the Amendment is necessary for the cooperative financing of the project.

Implementation of Strategic Plan Goals

This action is consistent with the County's Strategic Plan Goal of Organizational Effectiveness by utilizing a collaborative effort to expedite completion of the project.

FISCAL IMPACT/FINANCING

This Amendment will increase the County contribution to the City for the costs of the construction contract and contract administration of the Baldwin Park Drain project from \$1,750,000 to a not to exceed amount of \$2,300,000. Financing for this amendment is available from the Fiscal Year 2002-03 Flood Control District Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The amendment has been reviewed and approved as to form by County Counsel. This amendment was executed by the City of Baldwin Park on August 7, 2002.

ENVIRONMENTAL DOCUMENTATION

Your Board found this project to be categorically exempt from the provisions of the California Environmental Quality Act on June 12, 2001. This amendment will not cause a change of status of that finding.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This project will not have a significant impact on current flood control services or projects currently planned. Upon construction completion to the satisfaction of the County, the County will be responsible for future operation, maintenance, and repair of the project.

The Honorable Board of Supervisors
August 29, 2002
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CONCLUSION

We are enclosing three originals of Amendment No. 1 to Agreement No. 73406, which have been executed by the City of Baldwin Park. Please return two fully executed originals of Amendment No. 1 along with one approved copy of this letter to Public Works for further processing. The agreement labeled County original is to be retained for your files.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

JWY:ph
C020387
A:\BaldwinPark.wpd

Enc.

cc: Chief Administrative Office
County Counsel

A M E N D M E N T N O . 1 T O A G R E E M E N T N O . 7 3 4 0 6

THIS AMENDMENT TO AGREEMENT, made and entered into by and between the CITY OF BALDWIN PARK, a municipal corporation In the County of Los Angeles, hereinafter referred to as "CITY," and the COUNTY OF LOS ANGELES, a political subdivision of the State of California, hereinafter referred to as "COUNTY":

W I T N E S S E T H

WHEREAS, COUNTY is administering all matters for the Los Angeles County Flood Control District, hereinafter referred to as "DISTRICT," pursuant to Section 56-3/4 of the COUNTY'S Charter and in accordance with an AGREEMENT approved on December 26, 1984, between COUNTY and DISTRICT; and

WHEREAS, CITY and COUNTY have heretofore executed Agreement No. 73406, on June 12, 2001, hereinafter referred to as "AGREEMENT," which establishes CITY'S responsibility to design and construct the Baldwin Park Drain project with the COUNTY financing One Hundred percent (100%) of CONSTRUCTION COSTS; and

WHEREAS, in AGREEMENT, CONSTRUCTION COSTS were estimated to be One Million Seven Hundred Fifty Thousand and 00/100 Dollars (\$1,750,000.00), which includes One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00) for construction contract and Two Hundred Fifty Thousand and 00/100Dollars (\$250,000.00) for CITY SUPPORT; and

WHEREAS, in AGREEMENT, Section (3), Item a, it is specified that COUNTY and CITY mutually understood and agreed "To supplement this agreement if the lowest responsible construction bid and approved requested changes in work and associated cost to DRAIN plus CITY SUPPORT is greater than CONSTRUCTION COSTS herein"; and

WHEREAS, CITY has advertised project for construction bid and the lowest responsible construction bid received for DRAIN is One Million Eight Hundred Sixty-four Thousand Nine Hundred Sixty-two and 00/100 Dollars (\$1,864,962.00); and

WHEREAS, COUNTY is willing to increase its contribution to CONSTRUCTION COSTS by Five Hundred Fifty Thousand and 00/100 Dollars (\$550,000.00) to include Three Hundred Sixty-four Thousand Nine Hundred Sixty-two and 00/100 Dollars and 00/100 (\$364,962.00) for the increase in cost due to the lowest responsible bid and One Hundred Eighty-Five Thousand Thirty-eight and 00/100 Dollars (\$185,038.00) for unforeseeable changes in work with prior COUNTY approval; and

NOW, THEREFORE, in accordance with Section (3), Item i, of AGREEMENT, CITY and COUNTY mutually agree to amend the AGREEMENT as follows:

- a. Replace Section (1), Item f to read:

To invoice COUNTY for CONSTRUCTION COSTS, which is currently estimated to be Two Million One Hundred Fourteen Thousand Nine Hundred Sixty-two and 00/100 Dollars (\$2,114,962.00) upon the full execution of this Amendment.

- b. Add new Section (1), Item r, to read:

- r. To invoice COUNTY for unforeseeable changes in work currently estimated to be One Hundred Eighty-five Thousand Thirty-eight and 00/100 Dollars (\$185,038.00) upon COUNTY approval of the work and its associated costs.

- c. Add new Section (1), Item s, to read:

- s. To finance One Hundred percent (100%) of all betterment work to be constructed with DRAIN at no cost to the COUNTY or DISTRICT.

- d. Replace Section (2), Item b to read:

To finance CONSTRUCTION COSTS including One Million Eight Hundred Sixty-four Thousand Nine Hundred Sixty-two and 00/100 Dollar (\$1,864,962.00) for lowest responsible bid, an estimated amount of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) for CITY SUPPORT, and an estimated amount of One Hundred Eighty-five Thousand Thirty-eight and 00/100 Dollars (\$185,038.00) for unforeseeable changes in work with prior COUNTY approval, with the total COUNTY contribution not to exceed Two Million Three Hundred Thousand and 00/100 Dollars (\$2,300,000.00).

- e. Replace Section (2), item c to read:

To deposit with CITY Two Million One Hundred Fourteen Thousand Nine Hundred Sixty-two and 00/100 Dollars (\$2,114,962.00) upon the full execution of this amendment and receipt of invoice from CITY.

- f. Replace Section (2), item d to read:

To provide CITY with approval or disapproval of lowest responsible construction bid and unforeseeable changes in work and associated cost to DRAIN within ten (10) days of receipt of request from CITY.

- g. Omit Section (3), item a.

- h. Replace Section (3), item c to read:

City SUPPORT shall be the actual costs CITY incurred for construction contract administration, inspection, and survey for DRAIN, not to exceed Two Hundred Fifty Thousand and 00/100 Dollar (\$250,000.00).

In all other respects, the provisions of AGREEMENT No. 73406 shall remain in effect.

[illegible]

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IN WITNESS WHEREOF, the parties hereto have caused this AMENDMENT TO AGREEMENT to be executed by their respective officers, duly authorized, by the CITY OF BALDWIN PARK on _____, 2002, and by the COUNTY OF LOS ANGELES on _____, 2002.

COUNTY OF LOS ANGELES,
Acting on behalf of the Los Angeles
County Flood Control District

ATTEST:

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of
the County of Los Angeles

By _____
Chairman, Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN
County Counsel

By _____
Deputy

CITY OF BALDWIN PARK

By _____
Mayor

APPROVED AS TO FORM:

ATTEST:

BY _____
City Attorney

By _____
City Clerk